

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER )  
of the NEW ENGLAND TEAMSTERS AND )  
TRUCKING INDUSTRY PENSION FUND, )  
  )  
Plaintiff, )                                    )  
   ) C.A. No. 03cv12528 MLW  
v. )  
   )  
M&R LEASING CORPORATION )  
Defendant. )  
   )

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**NOTICE OF DISMISSAL PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 41**

Now comes the Plaintiff, Fund Manager of the New England Teamsters and Trucking Industry Pension Fund, to notify this Court that he wishes to dismiss the above-captioned action without prejudice and with each party to bear its own costs pursuant to F.R.C.P. 41(a)(1)(i) as the Defendants have neither filed an answer nor motion for summary judgment.

Dated: January 28, 2004

Respectfully submitted,

For the Plaintiff,  
CHARLES LANGONE, FUND MANAGER  
By his Attorney,

/s/ Catherine M. Campbell  
Catherine M. Campbell  
BBO #549397  
Feinberg, Campbell & Zack, P.C.  
177 Milk Street  
Boston, MA 02109  
(617) 338-1976

Certificate of Service

I, Catherine M. Campbell, hereby certify that I caused a copy of the foregoing to be sent this date by U.S. Mail, postage paid to Pasco L. Izzo, President, M&R Leasing Corporation, PO Box 19226, Johnston, RI 02919.

Dated: January 28, 2004

/s/ Catherine M. Campbell  
Catherine M. Campbell